

### REMARKS

Claims 1-15 are pending in the application. Claim 10-15 have been amended to put them into better form.

Claims 4-6, 11 and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent No. 6,477,388 to Schmutz ("Schmutz"). Claims 1-3, 7-10, 12-13 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmutz.

#### **Claim Rejections Under 35 U.S.C. §§ 102(b) and 103(a)**

At the outset it is noted that Schmutz was published as a patent on November 5, 2002, well after the filing date of the present application. Accordingly, Schmutz is not prior art under 35 U.S.C. § 102(b). Furthermore, with respect to the rejection of claim 6, the Office Action admits that the feature of a computer rack is missing from Schmutz and argues that such a feature would be obvious. Based on the presentation in the Office Action, it would be improper to reject claim 6 under 35 U.S.C. § 102 since all the features of claim 6 and the claim it depends on are admitted as not disclosed in the Schmutz reference.

According to embodiments of the present invention, a plurality of computers are provided, each having a power requirement, where the computers are coupled to a power supply. A power monitor and a power controller are also provided. Referring to claim 1, when an additional computer (i.e., one other than the "plurality of computers") makes a request for power, the power controller can perform several tasks:

1. determine whether the new total power requirement exceeds the known power capacity of the power supply;

2. cause the power supply to reduce the power supplied by the power supply to each computer of the plurality of computers; and
3. provide the additional computer with less power than indicated in the request for power.

Schmutz concerns broadband power management within a broadband multi-carrier base station transceiver system. Looking at Fig. 6 of Schmutz, a base station transceiver (BST) 600 is shown for a cellular communication network. A multi-carrier power amplifier (MCPA) 660 is provided that includes a number of amplifier modules for providing power in the BST 600. More particularly, the BST 600 includes a broadband transceiver (BDT) module 650 that is powered by the MCPA 660. The BDT 650 is responsible for the receipt and transmission of data in a time division multiple access (TDMA) system. As known in the art, TDMA refers to designating periodic time slots to the transmission/receipt of data. In the example of Schmutz, eight such time slots are provided (Col. 9, line 55). Each time slot may include one or more channels (Col. 11, line 66 to Col. 12, line 3). Schmutz concerns the power requirements of these “channels.”

The Office Action places great emphasis on Fig. 8, which is described in Schmutz beginning at Col. 11, line 54. Fig. 8 refers to the amount of power to supply to a channel in a TDMA time slot. Thus, Schmutz is concerned with the amount of power required for transmitting and receiving signals using such a channel. A channel is not a computer. At best, the apparatus of Fig. 6 represents a computer, but the power requirements that are being regulated occur completely within the BST 600 of Fig. 6. In particular, the MCPA 660 has a limited ability to supply power to support the communication channels used by MDT 650.

Accordingly, the system of Schmutz regulates how power is assigned to individual channels so as not to degrade performance.

A plurality of computers is not shown in Schmutz as recited in the claims. In claim 4 (and similarly in claims 11 and 14), a power controller is provided that is responsive to an additional computer and provide only standby power to the computer if the recited condition is met. The Office Action equates standby power for a computer as supplying a lesser amount to drive a communication channel and points to Col. 12, lines 51-65. Looking at Fig. 6, the recited section of Schmutz is equated to how much power is being supplied by MDT 650 to drive a particular channel in BDT 650 among a plurality of channels in BDT 650. Since BDT 650 cannot be looked upon as a plurality of computers and an additional computer as called for in these claims, Schmutz fails to teach or suggest the features of these claims.

Arguments similar to the above can be applied to the other independent claims, claims 1, 7, 12-13, and 15. Schmutz does not pertain to reducing the power supplied to a plurality of computers when an additional computer requests power.

Since features of each of the pending claims are not taught or suggested by the cited references, reconsideration and withdrawal of the rejection of claims 1-15 under 35 U.S.C. §§ 102(b) and 103(a) is respectfully requested.

**Conclusion**


For all the above reasons, the Applicant respectfully submits that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned at (202) 220-4200 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Deposit Account No. **11-0600**.

Respectfully submitted,

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